Division Bench

BEFORE THE HIGH COURT OF CHHATTISGARH AT

BILASPUR 4329/07

W.P. NO.(CR) /2007 [DB]

PETITIONERS : 1. Praveen Kumar Pathak, aged About 37 years, S/o Late Shri Prakash Narayan Pathak,

2. Prafulla Kumar Pathak , aged About 32 years , S/o Late Shri Prakash Narayan Pathak

[Both resident of near Laxmi Narayan Mandir, Polsaipara, P.O. & Distt. Durg, [C.G.]

3. Pratibha Dixit , aged about 39 Years, D/o Late Prakash Narayan Pathak , W/o Shri Akhilesh Dixit, R/o Qrt. No. 14-B, Street—36, Sector—4, P.O. & Distt. Durg. [C. G.]

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P.R. No. 47661
Presented by Shri Mpeera Jaiswal
dated 31/7/07

VERSUS

RESPONDENTS : 1. State of Chattisgarh , Through TheHome Secretary ,Mantralaya, DKS Bhawan, P.O. and Distt. Raipur. [C. G.]

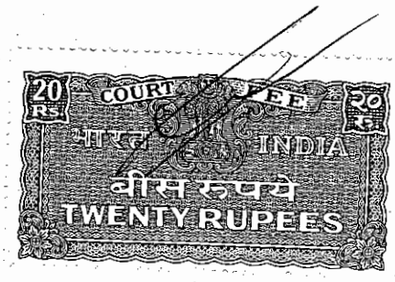
2. The Superintendent of Police, Distt. Durg. [C.G.]

3. Station House Officer , City Kotwali , [Out post at Padnabh-Pur] , Distt. Durg, [C.G.]

R/4. Pramod Kumar Pathak , aged about 43 years , now R/o MIG—125 , Padmanbhpur, P . O. & Distt. Durg, [C.G.]

R/5. Smt. Rukmani Pathak , aged About 61 years, Wd/o Late Shri Prakash Narayan Pathak, R/o Near Laxmi Narayan Mandir, Polsaipara, P.O. & Distt. Durg.

OATH COMMISSIONER S.R. Kaushik BHILAI TAHSIL AREA



(2)

(3)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF HABEAS CORPUS AND ANY OTHER WRIT / DIRECTION / ORDER :

The petitioners beg to submit as under:-

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

WP (Cr.) 4329/2007

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

DB : Hon'ble Shri L.C. Bhadoo & Hon'ble Shri Sunil Kumar Sinha. JJ

6-9-2007

Shri B.R. Ghosh & Smt. Meera Jaiswal, counsel for the petitioners.

Shri Vinay Harit, Dy. Advocate General for the State/respondents No.1 to 3.

Ms. Sunita Jain, counsel for respondent No.4.

Shri Prateek Sharma, counsel for respondent No.5.

Shri Pramod Kumar Pathak (respondent No.4 herein) & his wife and Smt. Rukmani Pathak (respondent No.5 herein) are also present.

Heard.

In presence of Shri Ghosh & Smt. Jaiswal, learned counsel appearing for the petitioners, enquiries were made from respondent No.5 Smt. Rukmani Pathak, for whom this petition has been filed by the petitioners. She very candidly stated that she is comfortable with respondent No.4 Pramod Kumar Pathak and presently she wants to continue to reside with him only. However, if the petitioners along with their family members come to meet her at the residence of respondent No.4 she will happily meet them. Respondent No.4 and his wife also stated that if the petitioners and their family members come to meet to respondent No.5 they will have no objection.

We are hopeful that the above arrangement will bring fruitful results in differences between the petitioners & respondent No.5 and in due course of time whatever the misunderstandings is there between the parties the same will be resolved by their frequent visits/meetings.

With the aforesaid observations the petition stands disposed of.

Consequently, I.A.No.1 also stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge